



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

June 6, 2005

Reply To
Attn Of:

ETPA-088

Ref: 04-003-NOA

James W. Balsiger, Alaska Regional Administrator
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802

Dear Mr. Balsiger:

The U.S. Environmental Protection Agency (EPA) has reviewed the final Environmental Impact Statement (EIS) for **Essential Fish Habitat Identification and Conservation in Alaska** (CEQ #20050184) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions and the document's adequacy in meeting NEPA requirements.

The EIS describes and identifies essential fish habitat (EFH) and actions to encourage the conservation and enhancement of EFH. The EIS evaluates alternatives for three actions: 1) describing EFH for fisheries managed by the North Pacific Fishery Management Council (Council); 2) adopting an approach for the Council to identify Habitat Areas of Particular Concern (HAPCs) within EFH; and 3) minimizing to the extent practicable the adverse effects of Council-managed fishing on EFH.

We continue to support the risk adverse approach that Alternative 3 (Revised General Distribution) takes for describing and identifying EFH and appreciate that it is supported by scientific rationale and allows for changing oceanographic conditions, regime shifts and the seasonality of migrating fish stocks. We acknowledge that information on habitat requirements for many of the species in Alaskan waters is very limited, and at this time, Alternative 3 is an appropriate approach to describing and identifying EFH. EPA supports environmental planning that addresses all the factors, both natural and human, affecting the ecosystems of a given region. Therefore, we recommend the National Marine Fisheries Service (NMFS) continue to identify and obtain the information to effectively describe and identify EFH via an ecosystem approach similar to that presented in Alternative 5, the Eco-Region Strategy.

We understand that the broad and general nature of the current designated Habitat Areas of Particular Concern (HAPC) limits their efficacy and that NMFS' experience is that the existing HAPC have not proven to be an effective tool for distinguishing valuable portions of EFH. However, we still have concerns that rescinding HAPC prior to adequately evaluating their value, rarity and susceptibility to degradation, may result in unrecoverable fisheries impacts to some HAPC. We appreciate that the Magnuson-Stevens Act requires the Council and NMFS to minimize to the extent practicable the adverse effects of fishing on all EFH, not just HAPC. However, we support a precautionary approach to rescinding HAPC and that all current HAPC be considered for HAPC status during the initial nominations of areas under the preferred alternative approach.

We appreciate the discussion of the potential enforcement actions that could be employed under each of the alternatives. In particular, we support the inclusion of 100% observer coverage as a potential enforcement measure. The EIS makes it clear that the burden of enforcement can not be shouldered disproportionately by one program (i.e., the Coast Guard) and that all reasonable enforcement actions should be considered.

Thank you for the opportunity to review this final EIS. If you need additional information or would like to discuss these comments, please contact Mike Letourneau at (206) 553-6382 or feel free to contact me at (206) 553-1601.

Sincerely,

/s/

Christine Reichgott, Manager
NEPA Review Unit

cc: M. Combs, EPA-AOO